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H. Peter - Bragg

ORIGINAL

# FEDERAL COMMUNICATIONS COMMISSION

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In Re Applications of: ) MM DOCKET No.: WT 94-147  
JAMES A. KAY, JR. )  
License of One Hundred Fifty- )  
Two Part 90 Licenses in the )  
Los Angeles, California Area )

Volume: 17  
Pages: 1531 through 1601  
Place: Washington, D.C.  
Date: December 30, 1998

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## HERITAGE REPORTING CORPORATION

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In Re Applications of: ) MM DOCKET No.: WT 94-147  
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JAMES A. KAY, JR. )  
 )  
License of One Hundred Fifty- )  
Two Part 90 Licenses in the )  
Los Angeles, California Area )

Suite A-363  
FCC Portals Building  
445 - 12th Street, N.W.  
Washington, D.C.

Monday,  
December 30, 1998

The parties met at 9:00 a.m., pursuant to the notice of the Judge.

BEFORE: HON. JOSEPH CHACHKIN  
Administrative Law Judge

APPEARANCES:

On behalf of James A. Kay, Jr.:

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C O N T E N T S

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
<u>For the Commission:</u>					
Carla Marie Pfeifer	1537	1573	1599		

E X H I B I T SBUREAU' S  
EXHIBITS:

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
WTB 350	1549	1553	Certified mail letter to Carla Pfeifer from W.R. Hollingsworth, re conventional SMR radio station WHND 783 at Castro Peak, California

BUREAU' S  
EXHIBITS:

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>DESCRIPTION</u>
2	1592	1592	Letter to FCC from Carla Pfeifer re sale of Castro Peak facility
3	1593	1594	Portion of assignment application bearing Pfeifer's signature

(9:00 a.m.)

JUDGE CHACHKIN: Yes.

JUDGE CHACHKIN: I have no problem with that.

Mr. Sobel? When are you going to put him on?

1 MR. SCHAUBLE: I'm sorry, Your Honor?

2 JUDGE CHACHKIN: Mr. Sobel. When are you going to  
3 put him on?

4 MR. SCHAUBLE: I'm going to put him on as the last  
5 witness on the 11th, recognizing he may spill over until the  
6 12th.

7 MR. SHAINIS: So you're proposing four witnesses  
8 on the 11th.

9 MR. SCHAUBLE: I have at least four witnesses  
10 available, recognizing that one or more of them may spill  
11 over.

12 JUDGE CHACHKIN: I have no problem with that  
13 schedule.

14 MR. KELLER: You just said Cordaro on the 12th.  
15 Were you originally talking about the 13th for him? I just  
16 want to make sure.

17 MR. SCHAUBLE: No. We had originally plugged in  
18 Cordaro for the 12th.

19 MR. KELLER: Okay. So you're saying Gerrard,  
20 Ashauer, and Hessman, and then possibly starting with Sobel  
21 on the 11th, and then Sobel and Cordaro on the 12th.

22 MR. SCHAUBLE: Correct. That's what --

23 JUDGE CHACHKIN: That will conclude your case. Is  
24 that correct?

25 MR. SCHAUBLE: That's correct, Your Honor.

1 JUDGE CHACKIN: All right. Let's bring on the  
2 next witness.

3 MR. SCHAUBLE: Your Honor, the Bureau calls Ms.  
4 Carla Pfeifer to the stand.

5 JUDGE CHACKIN: Would you raise your right hand,  
6 please.

7 Whereupon,

8 CARLA MARIE PFEIFER

9 having been duly sworn, was called as a witness herein and  
10 was examined and testified as follows:

11 JUDGE CHACKIN: Please be seated.

12 DIRECT EXAMINATION

13 BY MR. SCHAUBLE:

14 Q Ma'am, will you please state your name and address  
15 for the record.

16 A Carla Marie Pfeifer, 18540 Soledad Canyon Road,  
17 Unit 103, Canyon Country, California 91351.

18 Q Okay. Ms. Pfeifer, please make sure you  
19 understand the question I'm asking. If I ask you a question  
20 and you don't understand it, please let me know so I can  
21 rephrase the question.

22 A Okay.

23 Q Ms. Pfeifer, the Judge has entered what's called a  
24 sequestration order in this proceeding, which means that you  
25 may not discuss your testimony here this morning with other



1 witnesses who are going to testify until after those  
2 witnesses have testified. The witnesses who have not yet  
3 testified in this proceeding are Thomas Gerrard, Marc Sobel,  
4 Kevin Hessman, Vincent Cordaro. Do you understand that?

5 A Yes, I do.

6 Q Have you heard anything concerning the testimony  
7 that James Kay provided in this proceeding last week?

8 A No, I have not.

9 Q Have you heard anything concerning the testimony  
10 that Paul Oei, O-E-I, gave in his testimony in this  
11 proceeding this week?

12 A No, I have not.

13 Q Have you heard anything concerning the testimony  
14 that Craig Sobel gave in this proceeding this week?

15 A No, I have not.

16 Q Have you heard anything concerning the testimony  
17 that Roy Jensen gave in this proceeding this week?

18 A No, I have not.

19 Q Ms. Pfeifer, are you familiar with an individual  
20 named James Kay?

21 A Yes.

22 Q When did you first become familiar with Mr. Kay?

23 A In the middle-seventies --

24 Q Okay.

25 A -- late-seventies.

1 Q Would you please describe the circumstances as to  
2 how you became familiar with Mr. Kay?

3 A Mr. Kay owned, operated a radio shop dealing with  
4 CBs and sideband radios. My husband at the time was getting  
5 new CBs and sidebands, and we met him through another friend  
6 who had known him already, had known Mr. Kay already.

7 Q Okay. And did there come a time when you became  
8 friends with Mr. Kay?

9 A Yes. He became a social friend.

10 Q Okay. Now, did there come a time when you  
11 assisted Mr. Kay in connection with his business?

12 MR. SHAINIS: Objection. Leading the witness.

13 JUDGE CHACHKIN: I'll overrule the objection.

14 THE WITNESS: I would occasionally go in and visit  
15 on a Saturday, and if he got overloaded with work, I would  
16 pitch in and help a customer or something to that effect.

17 BY MR. SCHAUBLE:

18 Q Okay. During what time period would you perform  
19 these functions?

20 A I do not recall.

21 JUDGE CHACHKIN: Do you mean years or what?

22 MR. SCHAUBLE: During what time period, to the  
23 best of the witness's recollection.

24 JUDGE CHACHKIN: By years or months or days or  
25 what?

1 MR. SCHAUBLE: Looking at how many years.

2 JUDGE CHACHKIN: During what years did you perform  
3 this assistance that you've just mentioned?

4 THE WITNESS: Off and on from the early eighties  
5 until the early nineties.

6 JUDGE CHACHKIN: Okay.

7 BY MR. SCHAUBLE:

8 Q Now, would you please describe what sort of work  
9 you would perform when you were assisting Mr. Kay?

10 A If I happened to be there and his store got  
11 extremely busy and the personnel he had there at the time  
12 were not enough to handle it, I would try and help a  
13 customer or talk with the customers. That was basically all  
14 I did.

15 Q Okay. Now, did there come a time when an  
16 application was filed in your name for an authorization for  
17 a land mobile station with the FCC?

18 A Yes, there was.

19 Q Okay. Do you recall approximately when the first  
20 such application was filed?

21 MR. SHAINIS: Objection. He is characterizing it  
22 as more than one. The foundation was only one.

23 JUDGE CHACHKIN: Do you claim there is more than  
24 one application or one?

25 MR. SCHAUBLE: Well, --

1 JUDGE CHACHKIN: I'll sustain the objection.

2 BY MR. SCHAUBLE:

3 Q Do you recall approximately how many such  
4 applications were filed?

5 A No.

6 Q Okay. Do you recall whether it was one or more  
7 than one application?

8 A No, I do not.

9 Q Okay. Do you recall approximately when an  
10 application was filed in your name?

11 A Exactly, no, but I would have to guess somewhere  
12 around 1985 or '86.

13 Q Okay. Do you recall the circumstances under which  
14 you filed the application?

15 A I'm not quite sure I understand your question.

16 Q Okay. Do you recall whose idea it was to file  
17 this application?

18 A The application for the license came about as a  
19 request from Mr. James Kay.

20 Q Okay. Would you please describe that request from  
21 Mr. Kay?

22 A He had explained that he wanted to be able to  
23 provide a lot of radio service to a lot of people but that  
24 he was unable to obtain a certain number of licenses on his  
25 own because you could only have one or two, whatever the

1 count was, and that he needed other people to help assist  
2 him, and it would benefit us in the end if we did so.

3 Q Okay. When you refer to "benefit us," who is the  
4 "us" that you were referring to?

5 A Myself and my husband at the time.

6 Q Okay. Is it correct that pursuant to the request  
7 from Mr. Kay, you agreed to have an application filed in  
8 your name?

9 MR. SHAINIS: Objection. Leading the witness.

10 JUDGE CHACHKIN: Overruled.

11 THE WITNESS: That is correct.

12 BY MR. SCHAUBLE:

13 Q Okay. Now, did you and Mr. Kay have any sort of  
14 agreement, reach any sort of agreement regarding this  
15 application?

16 A Yes, we had. I was to apply for the application  
17 license, he would construct the tower for use, when the  
18 tower and repeater station were filled with users, we would  
19 then benefit from the payment of the fees for the use of the  
20 tower.

21 Q Okay. Do you recall the circumstances under which  
22 -- do you recall whether there was any division agreed upon  
23 as to how --

24 A I do not recall any such.

25 Q Okay. Did you have any further agreements with

1 Mr. Kay regarding this?

2 A We also had a lease agreement on -- I'm trying to  
3 remember if it was the land or the repeater station itself -  
4 - a yearly fee payable every quarter, I believe -- I don't  
5 remember -- a couple of hundred dollars every quarter,  
6 whatever it was, as lessee and lessor.

7 Q Now, this agreement with Mr. Kay; was this  
8 agreement oral or written?

9 A Both.

10 Q Okay. Ms. Pfeifer, in the agreement in the  
11 notebook in front of you please turn to the exhibit that's  
12 tabbed WTB Exhibit Number 300. Do you have the document  
13 before you, Ms. Pfeifer?

14 A Yes.

15 Q Okay. Have you seen this document before?

16 A Yes.

17 Q Is this the lease agreement you were referring to  
18 in your testimony a minute ago?

19 A Yes, it is.

20 Q Okay. Now, do you recall the circumstances under  
21 which you signed this agreement?

22 A Do you want to rephrase that? I'm not quite sure  
23 what it is --

24 Q Okay. Were you requested to sign this agreement?

25 A Yes. Mr. Kay filled it out, filling in all of

1 these blanks on this particular agreement, and then I signed  
2 it.

3 Q Okay. Did Ms. Pfeifer provide any sort of  
4 explanation to you as to why this agreement was necessary?

5 A Only information he would say that I can recall  
6 was that he needed to have this to comply with the FCC  
7 regulations.

8 Q Okay. Turning to paragraph four, where it says,  
9 "lessee shall pay lessor the sum of \$600 per year, payable  
10 in four installments quarterly in advance," do you see that?

11 A Yes.

12 Q Do you see, turning to the bottom of the  
13 agreement, that you are the lessee --

14 A Yes.

15 Q -- and that Mr. Kay is the lessor?

16 A Yes.

17 Q Now, did you ever make any such payments under  
18 this --

19 A No.

20 Q -- pursuant to this lease agreement?

21 A No.

22 Q Would you explain why you never made any such  
23 payments?

24 A It was never asked. We didn't -- Mr. Kay, for  
25 whatever reason, never adhered to this particular agreement.

1 Q Okay.

2 JUDGE CHACHKIN: Do you mean by that he never  
3 requested payment?

4 THE WITNESS: That is correct.

5 JUDGE CHACHKIN: Okay.

6 BY MR. SCHAUBLE:

7 Q When this agreement was presented to you, did you  
8 have an understanding as to whether Mr. Kay would require  
9 you to make the payments described in this agreement?

10 A There was no clear explanation as to whether or  
11 not he wanted payment. He said he needed this for FCC.

12 Q And did Mr. Kay ever make any sort of demand or  
13 request for payment pursuant to this agreement?

14 A No, he did not.

15 Q Ms. Pfeifer, please turn to what's tabbed WTB  
16 Exhibit 296. Do you have the document before you, Ms.  
17 Pfeifer?

18 A I do.

19 Q Okay. Have you seen this document before?

20 A Yes.

21 Q Okay. Now, turning to the bottom, do you see a  
22 reference under "company name" to Investment Opportunities?

23 A Yes.

24 Q Could you explain what "Investment Opportunities"  
25 was?



1           A     To the best of my recollection, Mr. Kay called one  
2     day and said that we had to fill some additional papers out  
3     for FCC, and we had to have a company name, and that's the  
4     name he chose.

5           Q     Okay. Did you ever operate a business under the  
6     name Investment Opportunities?

7           A     Can you explain in a little more detail?

8           Q     Okay. Did you ever own or manage a business which  
9     used the name Investment Opportunities?

10          A     I personally did not; Mr. Kay handled it.

11          Q     Other than with respect to any applications,  
12     application or applications that may have been filed with  
13     the FCC, did you ever own or manage any business under the  
14     name Investment Opportunities?

15          A     No.

16          Q     Turning to the top of this document, Ms. Pfeifer,  
17     do you recognize this check?

18          A     Yes.

19          Q     Okay. And would that be your signature on that  
20     check?

21          A     Yes.

22          Q     Okay. And do you recall at the time why you wrote  
23     a check made payable to "NABER" -- N-A-B-E-R?

24          A     Mr. Kay gave me the money, \$120, and stated that  
25     we have to pay to NABER a fee of whatever this was. He

1 didn't explain what the fee was for -- coordination fee, I  
2 believe -- and would I give him a check. He gave me the  
3 \$120, I wrote the check out to NABER, and he submitted it.

4 Q Okay. And just so I'm understanding, you would  
5 write the check -- at the time you wrote the check, is it  
6 correct that you would be reimbursed by Mr. Kay for this  
7 check?

8 A That is correct.

9 Q And in what form would he reimburse you?

10 A In cash.

11 Q Okay. Were there ever any expenses relating to  
12 this application or station which you paid for which you  
13 were not reimbursed?

14 A Not to my knowledge.

15 Q Okay. Turn back to WTB Exhibit 295, Ms. Pfeifer.  
16 And do you see in the top left hand where it says "Carla  
17 Pfeifer, DBA Investment Opportunities," and underneath that  
18 "Investment Consultant"?

19 A Yes.

20 Q Okay. Do you recognize the handwriting on that  
21 form?

22 A Yes.

23 Q Whose handwriting is that?

24 A James Kay.

25 Q Okay.

1 MR. KELLER: Which handwriting are you referring  
2 to, Counsel?

3 MR. SCHAUBLE: Under "general data," where it says  
4 "applicant/licensee name," --

5 JUDGE CHACHKIN: Okay.

6 MR. SCHAUBLE: -- and "applicant/licensee's type  
7 of business."

8 BY MR. SCHAUBLE:

9 Q Now turning toward the bottom, right-hand page,  
10 above where it says "copy of the recommendation letter  
11 should be mailed to," do you see the signature there?

12 A Yes.

13 Q Is that your signature?

14 A Yes.

15 Q Okay. Now, who prepared this form?

16 A Mr. James Kay.

17 Q Okay. Now, did you ever operate a business as an  
18 investment consultant?

19 A No.

20 Q Did you ever have any plans to operate a business  
21 as an investment consultant?

22 A No.

23 Q Did you ever inform Mr. Kay that you wished to  
24 operate a business as an investment consultant?

25 A No.

1 MR. SCHAUBLE: Your Honor, what is my next exhibit  
2 number?

3 JUDGE CHACHKIN: Exhibit 349 was the last one.  
4 The next one is 350.

5 MR. SCHAUBLE: Thank you, Your Honor. Your Honor,  
6 I wish to provide to two copies to the court reporter of a  
7 letter dated on a stamp July 15, 1987. Also, it is stamped  
8 "Mail Branch, July 17." The signature of W. Riley  
9 Hollingsworth. This is the letter that was provided to Your  
10 Honor yesterday, and I ask that it be marked for  
11 identification as WTB Exhibit 350.

12 JUDGE CHACHKIN: The document described will be  
13 marked for identification as WTB Exhibit 350.

14 (The document referred to was  
15 marked for identification as  
16 WTB Exhibit 350.)

17 MR. SCHAUBLE: And, Your Honor, the witness has  
18 been provided a copy of this, marked for identification as  
19 WTB Exhibit 350.

20 JUDGE CHACHKIN: Yes.

21 MR. SCHAUBLE: Ms. Pfeifer, please take a moment  
22 to review that.

23 (Pause.)

24 BY MR. SCHAUBLE:

25 Q Ms. Pfeifer, have you had an opportunity to review

1 the document?

2 A Yes.

3 Q Now, the address there; in 1987 was that your  
4 residence address?

5 A That is correct.

6 Q Okay. Do you recall receiving a letter from the  
7 FCC requesting certain information?

8 A Yes.

9 Q Okay. Do you recognize this letter as a copy of  
10 the letter you received from the FCC?

11 A I believe it to be so.

12 MR. SCHAUBLE: Okay. Your Honor, at this time, I  
13 move WTB Exhibit 350 into evidence.

14 JUDGE CHACHKIN: Any objection?

15 MR. SHAINIS: Just a minute.

16 (Pause.)

17 MR. SHAINIS: Your Honor, the only thing -- I  
18 don't have an objection, but I would suggest, since there  
19 are parts of the letter that are unintelligible and cannot  
20 be read, that maybe Mr. Schauble could provide for the  
21 record a copy of this that is readable.

22 MR. SCHAUBLE: Your Honor, this is the best copy  
23 we've been able to find of this letter at this time. We're  
24 continuing to search, and if we do find a better or a  
25 clearer copy, we would certainly ask for leave to substitute

1 the record --

2 MR. SHAINIS: Well, maybe you can supplement it  
3 before it's admitted with a -- just copy it over so it's a  
4 typed version that can be read. I can't read, for example,  
5 paragraph three after the word "rule," those next two,  
6 three, or four words, and then on the next line there are  
7 some words that just can't be read. I also, on the last  
8 page, on page two, there are parts of it that cannot be  
9 read.

10 MR. SCHAUBLE: Your Honor, the original that we  
11 have -- this is not a Xeroxing.

12 MR. SHAINIS: No, no, I understand that, but what  
13 I'm saying is that if you can figure out what the words are,  
14 just copy it.

15 JUDGE CHACKIN: Well, if you can reach a  
16 stipulation as to what the words are, you can print another  
17 copy. I think all the material parts of this letter are  
18 readable, and clearly paragraph four, paragraph three,  
19 merely deals with the fact that a certain rule provides a  
20 station be placed in operation within eight months of the  
21 time the license was granted. That's what it says  
22 basically. I don't think there is any mystery about that.

23 MR. SHAINIS: No, Your Honor. This goes back to  
24 what Mr. Keller was discussing yesterday, I believe. This  
25 is a matter that goes back 11 years ago.

1 JUDGE CHACHKIN: Well, I'm just talking about the  
2 letter itself. The parts which are not readable don't  
3 appear to be material, and certainly they could be figured  
4 out. As I pointed out, paragraph three deals with the rules  
5 by when a station has to be placed in operation after a  
6 license is granted. And also, on the second page, it read -  
7 - it says: "Send to Federal Communications Private Radio  
8 Bureau," et cetera, et cetera. So I don't think, although  
9 the parties can reach a stipulation of what the precise  
10 language is, that can be included with the receipt in  
11 evidence of this exhibit, but I think all of the material  
12 parts of this letter are readable.

13 MR. SCHAUBLE: Your Honor, I will say that with  
14 respect to the material in the second full paragraph on page  
15 one, that I believe that sentence reads: "James A. Kay,  
16 Jr., a provider of communications services, has indicated  
17 that he has no financial interest in any proposed or  
18 operational system at Castro Peak." That's what I believe  
19 that particular language --

20 JUDGE CHACHKIN: That's what it appears to say.  
21 As I say, if you reach a stipulation as to what -- you're  
22 agreeing as to what the sentence says, fine; if not, we'll  
23 just have to deal with the letter as it is. Obviously, if  
24 you have a better copy somewhere --

25 MR. SCHAUBLE: If we find a better copy, Your

1 Honor, we will need to supplement the record and substitute  
2 that better copy for --

3 JUDGE CHACHKIN: All we can do is deal with what  
4 we have, unless the parties can reach a stipulation as to  
5 what the words say. I will receive WTB Exhibit 350.

6 (The document previously  
7 marked for identification as  
8 WTB Exhibit 350 was received  
9 in evidence.)

10 BY MR. SCHAUBLE:

11 Q Ms. Pfeifer, do you recall what you did with this  
12 letter after you received it?

13 A I took it to James Kay.

14 Q Okay. And why did you take it to Mr. Kay?

15 A When all of this started about, he said there was  
16 nothing I really had to do except apply for the license. He  
17 would handle everything else in regard to FCC regulations  
18 and anything that needed to be done. When this letter came  
19 in as a certified letter, I took it over to Mr. Kay so he  
20 could do whatever it is he needed to do at that point.

21 Q Okay. And at the time did you have an  
22 understanding of what Mr. Kay would do with this letter?

23 A No.

24 Q Ms. Pfeifer, please direct your attention to WTB  
25 Exhibit 299.



1 A Okay.

2 Q Is that your signature at the bottom of the page?

3 A It is a questionable signature.

4 Q Okay. Could you please explain why?

5 A I have discovered over some time that there have  
6 been some papers that have been submitted to FCC that I feel  
7 are not my signature. This one, I cannot guarantee is my  
8 signature. It appears to be my signature.

9 Q Okay. Now, have you seen this document  
10 previously?

11 A Yes.

12 Q Okay. Can you recall the circumstances under  
13 which you first saw this document?

14 A No.

15 Q Okay. Now, do you recall approximately when you  
16 first saw this document?

17 A No.

18 Q Okay. Do you have an understanding who prepared  
19 this document?

20 A The typewritten document section, I believe, was  
21 done by Mr. James Kay, as he did all of the communication  
22 paperwork to FCC.

23 Q Okay. Now, do you have an understanding as to who  
24 is responsible for submitting this document to the FCC?

25 JUDGE CHACKIN: What do you mean by

1 "understanding"? Either she knows or she doesn't know.

2 MR. SCHAUBLE: Okay.

3 THE WITNESS: Do I know who is responsible to  
4 submit this to FCC?

5 MR. SCHAUBLE: Yes.

6 THE WITNESS: Yes.

7 BY MR. SCHAUBLE:

8 Q And who would that be?

9 A Me.

10 Q Okay. Did you actually send this document to the  
11 FCC?

12 A I do not recall.

13 Q Okay. Ms. Pfeifer, please turn to WTB Exhibit  
14 301. Do you recognize this document, Ms. Pfeifer?

15 A Yes, I do.

16 Q Okay. Could you please describe the document?

17 A It is an invoice listing items needed to construct  
18 a repeater station.

19 Q And was this invoice presented to you by someone?

20 A Yes, it was.

21 Q And who was that individual?

22 A Mr. James Kay.

23 Q Okay. And do you recall the circumstances under  
24 which Mr. Kay presented this invoice to you?

25 A I'm not quite -- I don't quite understand.

1 Q Okay. Let me ask the question this way. Did Mr.  
2 Kay tell you why he was providing you with this invoice?

3 A Yes.

4 Q And what did Mr. Kay tell you?

5 A Mr. Kay told me that we needed the invoice and a  
6 copy of the canceled check in this amount of money to prove  
7 that the construction was taking place on the repeater  
8 station at Castro Peak.

9 Q Okay. Now, at the time Mr. Kay presented you with  
10 this invoice, had the station, in fact, been constructed?

11 A I don't know.

12 Q Okay. Turn to WTB Exhibit 302. Do you recognize  
13 this document, Ms. Pfeifer?

14 A Yes, I do.

15 Q Okay. And is that your signature on the check?

16 A Yes, it is.

17 Q Okay. When you wrote this check, did you receive  
18 any sort of reimbursement from Buddy Sales and Mr. Kay?

19 A Yes.

20 MR. SHAINIS: Objection. Leading the witness.

21 JUDGE CHACHKIN: Overruled.

22 BY MR. SCHAUBLE:

23 Q Okay. And what form of reimbursement did you  
24 receive?

25 A At the time the invoice was written out, the

1 amount of the invoice being \$1,511 and change, Mr. Kay gave  
2 me that amount of money. I gave him a check for the same.

3 Q Okay. And at that time did Mr. Kay provide you  
4 with any sort of explanation -- strike that question. Whose  
5 idea was it to have you write a check for this amount and  
6 then have Mr. Kay reimburse you for that?

7 A That was Mr. Kay.

8 Q Okay. And did he provide you with an explanation  
9 as to why he wanted to handle the transaction in that  
10 manner?

11 A He simply stated that the invoice and the canceled  
12 check, it would prove to FCC that there was, in fact, a  
13 repeater being constructed, and the product was purchased  
14 from Buddy Sales.

15 Q Ms. Pfeifer, please turn to WTB Exhibit 297. Have  
16 you seen this document previously, Ms. Pfeifer?

17 A Yes.

18 Q Is that your signature on the document?

19 A Yes.

20 Q Okay. Do you know who prepared this document?

21 A Mr. James Kay.

22 Q Okay. Do you recall why this document was  
23 prepared?

24 A No, I don't.

25 Q Okay. Please turn to WTB Exhibit 298. Is that

1 your signature on the document?

2 A Yes.

3 Q Okay. Who prepared this document?

4 A Mr. James Kay.

5 Q And were you requested to sign this document by  
6 someone?

7 A Yes.

8 Q And who would that individual have been?

9 A Mr. Kay.

10 Q Ms. Pfeifer, please direct your attention to WTB  
11 Exhibit 303. And above the line, "copy of the  
12 recommendation letter to be mailed to," do you see a  
13 signature there?

14 A Yes.

15 Q Is that your signature?

16 A It appears to be my signature, but I do not  
17 believe it is my signature.

18 Q Why do you not believe this is your signature?

19 A It doesn't look like my writing.

20 Q Is there something in this writing that leads you  
21 to believe that this is not your signature?

22 A The whole signature.

23 Q Okay. Now, do you recognize the handwriting on  
24 the remainder of the document?

25 A The printed handwriting?

1 Q Yes.

2 A Yes.

3 Q And whose handwriting is that?

4 A Mr. James Kay.

5 Q And underneath do you see a date, 10/29/87? Do  
6 you see that?

7 A Yes.

8 Q And do you recall seeing this document on or  
9 around October 1987?

10 A I don't recall.

11 Q Okay. Now, do you know who, if this is not your  
12 signature, who inserted that signature in your name on this  
13 document?

14 A No, I do not.

15 Q Ms. Pfeifer, please turn to WTB Exhibit 304. Is  
16 that your signature on this document?

17 A It appears to be my signature, but I do not  
18 believe it is my signature.

19 Q Okay. And is it correct that the basis for your  
20 belief is the way that the writing appears on the document?

21 MR. SHAINIS: Objection. Leading the witness.

22 JUDGE CHACHKIN: Sustained.

23 MR. SCHAUBLE: Okay.

24 THE WITNESS: Correct. Oh, I'm sorry.

25 BY MR. SCHAUBLE:

1 Q What is your basis for believing that this is not  
2 your signature?

3 A The signature on this particular document in no  
4 way looks like my signature.

5 Q Now, do you know who prepared this document?

6 A The typewritten part of this document?

7 Q The typewritten part of this document.

8 A I could not say for sure.

9 Q Have you seen this document previously?

10 A Yes.

11 Q Do you recall when you first saw this document?

12 A No.

13 Q Were you first shown this document by someone?

14 A Yes.

15 Q Do you recall who that individual was?

16 A Yes.

17 Q And who was that?

18 A My husband.

19 Q Okay. And do you recall approximately when your  
20 husband first showed you this document?

21 A Not precisely.

22 Q If you could provide your best estimate.

23 A But my best estimate would be in '90, '91 maybe.

24 Q Okay. Now, -- your husband's name at that time?

25 A I'm sorry. Would you repeat the question?

1 Q Sure. What was your husband's name at that time?

2 A David Walter Pfeifer.

3 Q Okay.

4 JUDGE CHACHKIN: What time are you talking about,  
5 1991?

6 MR. SCHAUBLE: In 1990, 1991.

7 JUDGE CHACHKIN: All right.

8 BY MR. SCHAUBLE:

9 Q And is it correct, Ms. Pfeifer, you testified  
10 earlier in your testimony that you referred to a husband in  
11 the mid-seventies. Was that the same individual?

12 A No, it was not.

13 Q Okay. And just so the record is clear, if you  
14 could provide the name of your husband back in the mid-  
15 seventies.

16 A Terry Lee Ragan, R-A-G-A-N.

17 Q Okay. Now, --

18 JUDGE CHACHKIN: So you were keeping your own name  
19 in the seventies? I mean, you didn't use Ragan as your name  
20 in the seventies.

21 THE WITNESS: On some documents I still used  
22 Ragan-Pfeifer, as I was getting some child-support payments  
23 under Ragan and the bank had to have it so that they knew I  
24 was the right person, so it was Carla Ragan-Pfeifer.

25 JUDGE CHACHKIN: But in some instances you just



1 signed your name "Carla Pfeifer" -- is that correct? -- in  
2 the seventies.

3 THE WITNESS: That was after the child support  
4 stopped.

5 JUDGE CHACHKIN: After the child support. When  
6 did that happen? Was it seventies, eighties?

7 THE WITNESS: Eighties, in the eighties.

8 JUDGE CHACHKIN: Because I see some of the  
9 documents it's just signed "Carla Pfeifer."

10 THE WITNESS: Right. Most of the checks were  
11 signed "Carla Ragan-Pfeifer" because there was two checks.  
12 One was signed as "Ragan-Pfeifer," and one was signed as  
13 "Pfeifer."

14 JUDGE CHACHKIN: No. I'm referring to the  
15 documents which counsel has previously pointed to. I don't  
16 see "Carla Ragan-Pfeifer"; I see "Carla Pfeifer" there.

17 THE WITNESS: Right. On --

18 JUDGE CHACHKIN: This is 1987, I see a check here.  
19 That's Exhibit 302, I believe, and that just has "Carla  
20 Pfeifer."

21 THE WITNESS: Yes. On Exhibit --

22 JUDGE CHACHKIN: -- 302.

23 THE WITNESS: -- 296, the canceled check there, it  
24 says "Carla Ragan-Pfeifer."

25 JUDGE CHACHKIN: So in some instances you used

1 Ragan and in some instances you didn't.

2 THE WITNESS: Only for a few months, during the  
3 first few months that my current husband and I were married.

4 JUDGE CHACHKIN: When were you and your current  
5 husband, when were you married?

6 THE WITNESS: February of 1985, '86?

7 JUDGE CHACHKIN: I really don't know.

8 THE WITNESS: It was, like, -- it must have been  
9 '86, yeah, '86.

10 JUDGE CHACHKIN: All right. Go ahead, Counsel.  
11 Continue.

12 BY MR. SCHAUBLE:

13 Q Now, you referred earlier in your testimony to  
14 agreements you've had with Mr. Kay. Can you state  
15 approximately how long your oral agreement with Mr. Kay  
16 remained in effect?

17 A I have no idea.

18 Q Okay. Is it correct that the application or  
19 applications that you filed resulted in the grant of a  
20 licensing agreement? Correct?

21 A Would you rephrase that, would you?

22 Q Sure, sure. Ms. Pfeifer, turn to WTB Exhibit 305.

23 A Okay.

24 Q Have you seen this document previously?

25 A I recall seeing it, yes.

1 Q Okay. Do you recall receiving a radio-station  
2 license from the FCC?

3 A Yes.

4 Q Okay. Now, to your knowledge, was the station  
5 operated pursuant to a license issued in your name?

6 A To my knowledge, yes.

7 Q Okay. And do you have an understanding of during  
8 what time period that station was operating?

9 A No.

10 Q You cannot provide any estimate as to when such a  
11 station would have been operating.

12 A When it would have -- when the actual station was  
13 in operation?

14 Q Yes.

15 A No. I have no idea.

16 Q Okay. Do you know if there was a time when -- did  
17 there come a time when you received a visit from a  
18 representative of the FCC?

19 A Yes.

20 Q Okay. Do you recall approximately when that  
21 happened?

22 A I'm going to guess and say it was '90 or '91.

23 MR. SHAINIS: Objection. The witness should not  
24 be guessing.

25 THE WITNESS: I do not recall the exact time.